

SENATE, No. 2235

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

SYNOPSIS

Makes pilot program for special occasion events at wineries on preserved farmland permanent program.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning wineries on preserved farmland and amending
2 P.L.2018, c.30 and P.L.2014, c.16.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 2 of P.L.2014, c.16 (C.4:1C-32.8) is amended to
8 read as follows:

9 2. a. The State Agriculture Development Committee shall
10 establish a **【pilot】** program permitting special occasion events to be
11 conducted on preserved farmland at a winery provided that:

12 (1) the gross income generated by the winery from all special
13 occasion events conducted for the calendar year together account
14 for less than 50 percent of the annual gross income of the winery;

15 (2) the special occasion event uses the agricultural output of the
16 winery, to the maximum extent practicable, to promote agricultural
17 tourism and advance the agricultural or horticultural output of the
18 winery;

19 (3) the special occasion event is conducted on a Friday,
20 Saturday, Sunday, or federal or State holiday, except that a special
21 occasion event may be conducted on any other day of the week with
22 the approval of the State Agriculture Development Committee. The
23 committee may delegate its authority in that regard to a county
24 agriculture development board;

25 (4) the special occasion event is conducted in: (a) a temporary
26 structure, such as an enclosed or open canopy or tent or other
27 portable structure or facility, and any temporary structure would be
28 put in place for only the minimum amount of time reasonably
29 necessary to accommodate the special occasion event; (b) an
30 existing permanent agricultural building; (c) a farm or open air
31 pavilion; or (d) another structure used in the normal course of
32 winery operations and activities;

33 (5) the special occasion event complies with applicable
34 municipal ordinances, resolutions, or regulations concerning litter,
35 solid waste, and traffic and the protection of public health and
36 safety;

37 (6) the winery shall be subject to a site plan review and any
38 applicable development approvals as may be required under an
39 ordinance adopted pursuant to the "Municipal Land Use Law,"
40 P.L.1975, c.291 (C.40:55D-1 et seq.);

41 (7) the special occasion event is subject to the noise standards
42 set forth pursuant to the "Noise Control Act," P.L.1971, c.418
43 (C.13:1G-1 et seq.), and the rules and regulations adopted thereto;

44 (8) the special occasion event complies with any applicable
45 municipal ordinance that restricts performing or playing music

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 inside the winery's buildings and structures;

2 (9) the special occasion event ends at a specific time, if required
3 pursuant to a curfew established by a municipal ordinance;

4 (10) the special occasion event would not knowingly result in a
5 significant and direct negative impact to any property adjacent to
6 the winery; and

7 (11) the winery hosting a special occasion event enforces State
8 and federal requirements concerning the legal drinking age.

9 b. In determining the annual gross income of a winery pursuant
10 to this section, the gross income received from any special occasion
11 event shall include, but need not be limited to, admission fees;
12 rental fees; setup, breakdown, and cleaning fees; and all other
13 revenue that is not directly related to the agricultural output of the
14 winery but is received by the winery in conjunction with conducting
15 a special occasion event.

16 (cf: P.L.2014, c.16, s.2)

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18 2. Section 1 of P.L.2018, c.30 (C.4:1C-32.12) is amended to
19 read as follows:

20 1. Notwithstanding the provisions of section 6 of P.L.2014,
21 c.16 to the contrary, sections 1 through 5 of P.L.2014, c.16 (C.4:1C-
22 32.7 through C.4:1C-32.11) shall be and remain in effect **for two**
23 **years** following the effective date of **this act** P.L. _____, c.
24 (pending before the Legislature as this bill) or May 30, 2020, and, if
25 appropriate, shall be retroactive to March 1, 2018 May 30, 2020.

26 (cf: P.L.2018, c.30, s.1)

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28 3. Section 2 of P.L.2018, c.30 (C.4:1C-32.13) is amended to
29 read as follows:

30 2. a. Each county agriculture development board shall prepare
31 and submit to the Governor and to the Legislature, pursuant to
32 section 2 of P.L.1991, c.164 (C.52:14-19.1), an annual report. Each
33 annual report shall include findings that summarize the activities of
34 wineries on preserved farmland in the county of the board's
35 jurisdiction and make recommendations for the **pilot** program
36 established pursuant to P.L.2014, c.16 (C.4:1C-32.7 et seq.).

37 b. The State Agriculture Development Committee shall prepare
38 and submit to the Governor and to the Legislature, pursuant to
39 section 2 of P.L.1991, c.164 (C.52:14-19.1) **:**

40 (1) an interim report, within 30 days after the effective date of
41 this act; and

42 (2) a final report, at least 45 days before the expiration of the
43 pilot program established pursuant to P.L.2014, c.16 (C.4:1C-32.7
44 et seq.) and extended pursuant to this act **a biennial report.**

45 c. **The interim and final reports** Each biennial report required
46 pursuant to subsection b. of this section shall review the
47 implementation and operation of the **pilot** program established

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1 pursuant to P.L.2014, c.16 (C.4:1C-32.7 et seq.), summarize the
2 findings and recommendations of the annual reports prepared
3 pursuant to subsection a. of this section, and make
4 recommendations to the Governor and Legislature to amend **】,
5 extend,】** **【or make permanent】** the program.
6 (cf: P.L.2018, c.30, s.2.)
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8 4. Section 3 of P.L.2018, c.30 (C.4:1C-32.14) is amended to
9 read as follows:

10 3. a. Notwithstanding any other law, or rule or regulation
11 adopted pursuant thereto, to the contrary, the **【pilot】** program
12 established pursuant to P.L.2014, c.16 (C.4:1C-32.7 et seq.) and
13 extended pursuant to **【this act】** P.L.2018, c.30 (C.4:1C-32.12 et
14 seq.) and P.L. , c. (pending before the Legislature as this bill)
15 shall not apply to any special occasion event at a winery that is not
16 on preserved farmland.

17 b. The State Agriculture Development Committee shall not
18 have any authority to regulate or restrict any special occasion event
19 conducted at a winery beyond the scope of the authority granted
20 pursuant to P.L.2014, c.16 (C.4:1C-32.7 et seq.).
21 (cf: P.L.2018, c.30, s.3)
22

23 5. This act shall take effect immediately.
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26 STATEMENT
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28 This bill amends current law to make permanent the pilot program
29 allowing special occasion events to be conducted at wineries on
30 preserved farmland. The bill also revises the reporting requirement
31 under the law to require on-going biennial reports to the Governor and
32 the Legislature.

33 The pilot program was created by P.L.2014, c.16 (C.4:1C-32.7 et
34 seq.). It was established for 44 months and was scheduled to expire on
35 March 1, 2018. The original enactment did not contain reporting
36 requirements. The pilot program was extended for two additional
37 years by the enactment of P.L.2018, c.30. The 2018 law extending the
38 pilot program was effective on May 30, 2018 and was made
39 retroactive to March 1, 2018 to cover the gap period.

40 The 2018 enactment also required:

41 (1) County agricultural development boards (CADB) to submit
42 annual reports which include findings that summarize the activities of
43 wineries on preserved farmland in the county of the board's
44 jurisdiction and make recommendations for the pilot program; and

45 (2) The State Agricultural Development Committee (SADC) to
46 submit interim and final reports that review the implementation and
47 operation of the pilot program, summarize the findings and

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1 recommendations of the annual reports prepared by the CADBs, and
2 make recommendations to the Governor and Legislature.

3 The bill continues the program beyond its May 30, 2020 expiration
4 and makes the program permanent thereafter. Under the provisions of
5 the bill, the CADBs would continue to submit annual reports and the
6 SADC would be required to submit biennial reports. The bill also will
7 be retroactive, if appropriate, to May 30, 2020.